

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED-CLERK
U.S. DISTRICT COURT

2008 MAR 21 AM 9:13

TEXAS-EASTERN

GERALD DEMARSH, SR.,
Plaintiff,

v.

JUDGE GABRIEL,
Defendant.

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CASE NO. 4:07CV194
BY _____

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On February 27, 2008, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss (Dkt. 25) be granted and that Plaintiff's case be dismissed with prejudice.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion to Dismiss (Dkt. 25) is GRANTED, and Plaintiff's case is dismissed with prejudice. All other relief not expressly granted is denied.

IT IS SO ORDERED.

SIGNED this 19th day of March, 2008.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE